

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>BUDGET CHARTERS, INC., et al.</b>	)	
	)	
	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>Docket No. 3:17-cv-722</b>
	)	<b>Judge Trauger</b>
	)	<b>Jury Demanded</b>
	)	
	)	
	)	
<b>v.</b>	)	
	)	
	)	
	)	
<b>IVAN PITTS, et al.</b>	)	
	)	
	)	
<b>Defendants</b>	)	

**MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

The Case Management Order in this matter provides that all dispositive motions be filed on or before August 24, 2018. It further provides that motions for partial summary judgment require leave of court and that “[a]ny party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.”

This case arises out of an incident which occurred on April 21, 2016. Plaintiff Allen Newcomer, an employee of Plaintiff Budget Charters, Inc., was transporting a

busload of high school band students, together with certain parents and chaperones, to visit the Parthenon and other sites in Nashville. Defendant members of the Tennessee Highway Patrol arrested Newcomer on charges of driving under the influence of drugs and jailed him. While not at issue in this motion, this obviously had profound consequences for both plaintiffs in terms of adverse publicity, loss of income, embarrassment, humiliation, damage to reputation, loss of business, and other matters.

What is at issue for purposes of the proposed motion for partial summary judgment is the fact that tests performed by both a private lab in Nashville and *by the Tennessee Bureau of Investigation* itself established that Mr. Newcomer was not under the influence of drugs, alcohol, or any other substance. No countervailing evidence exists. This is further discussed in the proposed motion for partial summary judgment; statement of material facts; and accompanying exhibits.

It is respectfully submitted that a ruling by the Court on this crucial threshold issue will save unnecessary expenditure of time, money, and other resources on the part of both the parties and the Court.

### **Conclusion**

For the above stated reasons, Plaintiffs should receive leave to file the attached motion for partial summary judgment in this matter.

Respectfully submitted,

/s/ Mary Leech

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**Certificate of Service**

I hereby certify that a true and exact copy of the foregoing Motion for Leave to file Motion for Partial Summary Judgment has been served by the Court's electronic filing system to the following this 3rd day of August, 2018:

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